

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

CHARLES GAYHEART,

Plaintiff,

Case No.: 3:10-CV-401

vs.

COMMISSIONER OF
SOCIAL SECURITY,

District Judge Thomas M. Rose
Magistrate Judge Michael J. Newman

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION (DOC. 34)

Before the Court is the Report and Recommendation of Magistrate Judge Michael J. Newman (doc. 34), concerning a request by Plaintiff's counsel for an award of attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). Doc. 33. Magistrate Judge Newman recommended that Plaintiff be awarded the sum of \$11,200.00 referenced in the joint stipulation counsel filed with the Commissioner of Social Security. *See* doc. 33. Neither Plaintiff's counsel nor the Commissioner has opposed the Report and Recommendation, and the time for doing so under Fed. R. Civ. P. 72(b) has expired. Having carefully reviewed this matter, the Court rules as follows:

1. The Magistrate Judge's Report and Recommendation dated February 7, 2014 (doc. 34) is **ADOPTED**;
2. The parties' joint stipulation referencing EAJA fees in the amount of \$11,200.00 (doc. 33) is **GRANTED**, and Plaintiff is **AWARDED** the sum of \$11,200.00 in EAJA fees;
3. The motion for EAJA fees filed by Plaintiff's counsel (doc. 30), filed prior to the submission of the joint stipulation, is **DENIED AS MOOT**; and
4. This matter is hereby **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Date: February 26, 2014

*s/Thomas M. Rose

Thomas M. Rose
United States District Judge